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## TITLE 852 INDIANA OPTOMETRY BOARD

### **Proposed Rule** LSA Document #05-325

#### DIGEST

Amends 852 IAC 1-16-1 concerning continuing education requirements for the renewal of a license to revise the number of continuing education hours for renewal. Amends 852 IAC 1-16-2 concerning the responsibilities of licensees, including the time a licensee has to retain verification of the completion of continuing education. Amends 852 IAC 1-16-3 concerning an application for approval to address when a sponsoring organization must file an application for approval and to establish information required for the record of attendance that sponsoring organizations must provide. Amends 852 IAC 1-16-6 concerning continuing education sources to revise the list of board-approved activities that may satisfy the continuing education requirements. Adds 852 IAC 1-16-7 to establish the requirements for self-study continuing education courses to be accepted as continuing education for license renewal. Adds 852 IAC 1-16-8 to establish continuing education programs for optometrists sponsored by organizations that are deemed approved. Effective 30 days after filing with the Secretary of State.

#### **IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

##### **Estimated Number of Small Businesses Subject to This Rule:**

Industry Sector 621320 Offices of Optometrists

The Indiana Optometry Board (Board) estimates that no small businesses will be directly affected by this rule. The Board has the authority to promulgate rules establishing the standards for the competent practice of optometry, which includes the standards of professional conduct. This proposed rule will have no cost on small businesses.

<b>852 IAC 1-16-1</b>	<b>852 IAC 1-16-6</b>
<b>852 IAC 1-16-2</b>	<b>852 IAC 1-16-7</b>
<b>852 IAC 1-16-3</b>	<b>852 IAC 1-16-8</b>

SECTION 1. 852 IAC 1-16-1 IS AMENDED TO READ AS FOLLOWS:

#### **852 IAC 1-16-1 Continuing education requirements**

**Authority:** IC 25-24-1-1

**Affected:** IC 25-24-1-14.1; IC 25-26-15

Sec. 1. (a) ~~Thirty (30)~~ **Twenty (20)** hours of continuing education are required for license renewal.

~~(b) An optometrist who holds an optometric legend drug certificate issued under IC 25-26-15 may apply ten (10) hours of continuing education approved under 857 IAC 1-2 to renew an optometry license.~~

~~(c) (b)~~ Programs that have not been approved under this article will not be accepted as credit for license renewal.

~~(d) (c)~~ A licensee is not required to complete continuing education requirements for the year in which the initial license is issued.

~~(e) (d)~~ Continuing education credit units or clock hours:

- (1) must be obtained within the biennial renewal period; and
- (2) may not be carried over from one (1) licensure period to another.

~~(f) (e)~~ If a licensee is licensed in Indiana and any other state with a mandatory continuing education requirement, the Indiana optometry board will accept that requirement of the other state, provided the:

- (1) number of clock hours or credit units; and ~~the~~
- (2) quality;

of the continuing education equal or exceed the Indiana requirement.

**(f) Any continuing education hours that are counted towards the renewal of a licensee's legend drug certificate issued under IC 25-26-15 may not be counted towards the renewal of the licensee's optometry license.** (*Indiana Optometry Board; 852 IAC 1-16-1; filed Jul 23, 1987, 9:15 a.m.: 10 IR 2737; filed Feb 21, 1992, 4:00 p.m.: 15 IR 1221; filed Jan 26, 1995, 4:30 p.m.: 18 IR 1477; filed Jan 3, 2000, 10:07 a.m.: 23 IR 1106; readopted filed Jul 10, 2001, 2:59 p.m.: 24 IR 4238*)

SECTION 2. 852 IAC 1-16-2 IS AMENDED TO READ AS FOLLOWS:

#### **852 IAC 1-16-2 Responsibilities of licensees**

**Authority: IC 25-24-1-1**

**Affected: IC 25-24-1-14.1**

Sec. 2. ~~(a)~~ A licensee must **do the following:**

**(1)** Certify completion of continuing education required by this rule at the time of license renewal. ~~on a form provided by the bureau.~~

~~(b) A licensee must~~ **(2)** Retain verification of completion of continuing education required by this rule for ~~four (4)~~ **three (3)** years after the last renewal date.

~~(c) A licensee must~~ **(3)** Present verification of completion of continuing education required by this rule at the request of the **Indiana optometry board.**

*(Indiana Optometry Board; 852 IAC 1-16-2; filed Jul 23, 1987, 9:15 a.m.: 10 IR 2737; filed Jan 3, 2000, 10:07 a.m.: 23 IR 1106; readopted filed Jul 10, 2001, 2:59 p.m.: 24 IR 4238)*

SECTION 3. 852 IAC 1-16-3 IS AMENDED TO READ AS FOLLOWS:

#### **852 IAC 1-16-3 Application for approval**

**Authority: IC 25-24-1-1**

**Affected: IC 25-24-1-14.1**

Sec. 3. (a) The sponsoring organization or the attendee must file an application provided by the ~~bureau~~ **agency sixty (60) days before the date the program is given.** The application may contain the following information:

(1) **The name of the lecturer.**

(2) **The academic and professional background of the lecturer.**

(3) **A brief summary of the content of the program.**

(4) **The date and location of the program.**

(5) **The number of clock hours of continuing education requested.**

(6) **The name of the person or persons who will monitor attendance and the manner in which attendance will be monitored.**

(7) Any other pertinent information required by the **Indiana optometry board.**

(b) As a condition to approval of programs, the sponsoring organization must agree to provide participants with a record of attendance. ~~and to~~ **The record of attendance shall state the following:**

**(1) The name of the participant.**

**(2) The name of the sponsoring organization.**

**(3) The title of the program.**

**(4) The date of the program.**

**(5) The location of the program.**

**(6) The number of continuing education hours awarded.**

**(c) The sponsor shall** retain records of attendance by participants for four (4) years from the date of the program. (*Indiana Optometry Board; 852 IAC 1-16-3; filed Jul 23, 1987, 9:15 a.m.: 10 IR 2737; filed Mar 26, 1993, 5:00 p.m.: 16 IR 1954; readopted filed Jul 10, 2001, 2:59 p.m.: 24 IR 4238*)

SECTION 4. 852 IAC 1-16-6 IS AMENDED TO READ AS FOLLOWS:

#### **852 IAC 1-16-6 Continuing education sources**

**Authority: IC 25-24-1-1**

**Affected: IC 25-24-1-14; IC 25-24-1-14.1**

Sec. 6. (a) The continuing education requirement may be satisfied by participating in the following activities upon approval of the **Indiana optometry board:**

- (1) Educational programs presented by professional optometric organizations.
- (2) University courses taken beyond those required for initial licensure if the course content pertains to the professional practice of optometry.
- ~~(3)~~ Educational programs approved by the Council on Optometric Practitioner Education.
- ~~(4)~~ (3) Other educational seminars, lectures, and workshops.
- ~~(5)~~ Self-study, including the following:
  - ~~(A)~~ Journals and books.
  - ~~(B)~~ Audio tapes.
  - ~~(C)~~ Films and video tapes.

~~(D)~~ (b) The writing of articles for publication and teaching of courses are not acceptable for approval of continuing education hours.

~~(E)~~ Internet on-line.

(b) In order to be accepted as continuing education for license renewal, self-study methods of presentation must include a written examination or postevaluation.

(c) Self-study continuing education shall be limited to three (3) hours biennially unless the practitioner provides evidence to the board that such a limitation poses an undue burden upon the practitioner or that the practitioner may not otherwise satisfy his or her continuing education requirements. *(Indiana Optometry Board; 852 IAC 1-16-6; filed Jan 3, 2000, 10:07 a.m.: 23 IR 1107; readopted filed Jul 10, 2001, 2:59 p.m.: 24 IR 4238)*

SECTION 5. 852 IAC 1-16-7 IS ADDED TO READ AS FOLLOWS:

**852 IAC 1-16-7 Self-study**

**Authority: IC 25-24-1-1**

**Affected: IC 25-24-1-14; IC 25-24-1-14.1**

**Sec. 7. (a) Self-study shall include the following:**

- (1) Journals and books.
- (2) Audiotapes.
- (3) Films and videotapes.
- (4) Internet on-line.
- (5) Closed circuit television.
- (6) Satellite broadcasts.
- (7) Correspondence courses.
- (8) CD-ROM.
- (9) DVD.
- (10) Teleconferencing.
- (11) Videoconferencing.
- (12) Distance learning.

(b) In order to be accepted as continuing education for license renewal, self-study methods of presentation must include a written examination or postevaluation.

(c) Self-study continuing education shall be limited to three (3) hours biennially unless the practitioner provides evidence to the Indiana optometry board that:

- (1) such a limitation poses an undue burden upon the practitioner; or
- (2) the practitioner may not otherwise satisfy his or her continuing education requirements.

*(Indiana Optometry Board; 852 IAC 1-16-7)*

SECTION 6. 852 IAC 1-16-8 IS ADDED TO READ AS FOLLOWS:

**852 IAC 1-16-8 Continuing education programs deemed approved**

**Authority: IC 25-24-1-1**

**Affected: IC 25-24-1-14; IC 25-24-1-14.1**

**Sec. 8. Notwithstanding section 4 of this rule, continuing education programs for optometrists, but not practice management courses, sponsored by the following are deemed approved and no approval by the board shall be required:**

- (1) The Indiana Optometry Association and its affiliates.**
- (2) The American Optometry Association (AOA).**
- (3) The Council on Optometric Practitioner Education (COPE).**
- (4) The American Academy of Ophthalmologists and its affiliate organizations.**
- (5) The American Academy of Optometrists and its affiliate organizations.**
- (6) Other state optometric associations and their affiliate local societies.**
- (7) Regional optometric associations.**
- (8) Postgraduate courses offered at any accredited school of optometry.**

*(Indiana Optometry Board; 852 IAC 1-16-8)*

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on May 17, 2006 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 6, Indianapolis, Indiana the Indiana Optometry Board will hold a public hearing on proposed amendments concerning continuing education requirements for the renewal of a license to revise the number of continuing education hours for renewal, the responsibilities of licensees, including the time a licensee has to retain verification of the completion of continuing education, the application for approval to address when a sponsoring organization must file an application for approval and to establish information required for the record of attendance that sponsoring organizations must provide, continuing education sources to revise the list of board-approved activities that may satisfy the continuing education requirements, and proposed new rules establishing the requirements for self-study continuing education courses to be accepted as continuing education for license renewal and establishing continuing education programs for optometrists sponsored by organizations that are deemed approved.*

*The Indiana Optometry Board has the authority to promulgate rules establishing the standards for the competent practice of optometry, which includes establishing continuing education requirements for license renewal. This proposed rule revises the requirements for continuing education sponsor organizations and the continuing education requirements to renew a license. The revisions for the continuing education sponsor organization approval requirements expand the scope of the Board's approval of continuing education courses. The proposed rule specifies when an application for sponsor organizations must be submitted and clarifies the information required for the certificate of completion. The proposed rule will provide licensees with more sponsors organizations and sources of continuing education that the Board will accept to meet the renewal requirements. The revision to continuing education requirements to renew a license reduces the number of hours licensees have to obtain and the amount of time licensees are required to maintain certificates of completion. This rule will have no costs on the regulated entities.*

*Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency